IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 6996 of 2004

Between:

Smt. K. Vijayamma, W/o K.R.K. Reddy,
Chennakesampalli, Badwel Mandal, Cuddapah District.

..... PETITIONER

AND

1 The Election Commission, rep. by its Secretary,
Nirvachan Sadan, New Delhi.
2 The Returning Officer, 155, Badwel Constituency, Badwel,
Cuddapah District.
3 The Transport Commissioner, Department of R & B, Hyderabad.
4 D.C. Govinda Reddy, S/o Govinda Reddy,
R/o Bunglow Road, Porumammilla Village, Cuddapah
District**....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd Respondent Returning Officer of 155-Badwel Assembly Constituency, Cuddapah District in accepting the 4th respondent as validly nominated candidate as illegal and violative of provisions of the Representation of Peoples Act, 1951 and consequently declare that the 4th respondent is in eligible to contest as a candidate for 155- Badwel Assembly Constitutency, Cuddapah District .

Counsel for the Petitioner: MR.SRINIVAS DAMMALAPATI

Counsel for the Respondent Nos.1 and 2: SMT.C.JAYASREE SARATHY

Counsel for the Respondent No.3: The G.P. for Transport.

Counsel for the Respondent No.4: Mr. M. Ratna Reddy

The Court at the admission stage made the following Oral Order: (per Sri

Devinder Gupta CJ)

Petitioner is questioning acceptance of nomination of Respondent No.4 as a candidate for Assembly Elections. Since Respondent No.4 was duly elected, the only remedy available in such like cases will be to file an Election Petition in accordance with the provisions of the Representation of People Act and not a writ petition. Hence, there is no need to keep the writ petition pending, which is, otherwise not maintainable.

The writ petition is accordingly dismissed. No costs.

Record of O.A. No. 2013 of 2004 be returned to the Tribunal.

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DEVINDER GUPTA, CJ

Date: 25th January, 2005

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M. NARAYANA REDDY,J

Pnb

To

1 The Secretary, Election Commission, Nirvachan Sadan, New Delhi.
2 The Returning Officer, 155, Badwel Constituency, Badwel,
Cuddapah District.
3 The Transport Commissioner, Department of R & B, Hyderabad.

4 Two C.D. copies
5 Two CCs to the Government Pleader for Transport, High Court of A.P., Hyderabad.
(O.U.T.)